

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Frank Tolen, Jr., #246966,)	C/A No.: 1:15-2503-RBH-SVH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Leroy Cartledge, Warden, Perry)	
Correctional Institution,)	
)	
Respondent.)	
)	

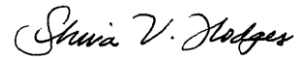
Petitioner, proceeding in forma pauperis, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a motion for summary judgment on November 18, 2015. [ECF No. 16]. Through his counsel at the time, Petitioner requested and was granted three extensions within which to file a response. [ECF Nos. 19–24]. On February 19, 2016, Petitioner’s counsel filed an ex parte motion to withdraw as counsel. [ECF Nos. 26, 29]. After full briefing, the undersigned granted Petitioner’s counsel’s motion to withdraw and granted Petitioner until May 13, 2016, to file his response to the motion for summary judgment. [ECF No. 33].

Notwithstanding the specific instructions, Petitioner has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent’s motion for summary judgment by May 31, 2016. Petitioner is further advised that no further extensions will be granted and if he fails to respond, this action will be

recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

May 17, 2016
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge